

Any change involving the Telemarketing Sales Rule relating to "established business relationships" should take into account the propensity for businesses to abuse the exception by confusing data collection and general retail sales with personal business activity. In particular, pre-recorded announcements are of such a nature that individuals can, if they desire, affirmatively specify their desire to receive such calls. By providing affirmative "opt in" protection, the business can be assured of : 1. not calling individuals who don't want the calls; and 2. calling those who wish to receive such calls at a number of their choice. "Affirmatively specify" should include a specific initial box, "tic mark" or other acknowledgement unless the sole purpose of the data collection is unambiguously stated as for receiving a particular type of call. This would avoid the possibility that acceptance may be mixed with unrelated business or marketing transactions. By way of example, an individual providing information for a "customer tracking" card may not wish to assent to receiving telemarketing calls of any type (much less "answering machine spam"). I recognize there is a possibility that a significant segment of customers may wish to receive recorded messages. In all cases, such operations should be limited to lists composed of numbers affirmatively provided by individuals for that specific purpose.